

MEMORANDUM

Agenda Item No. 11(A)(12)

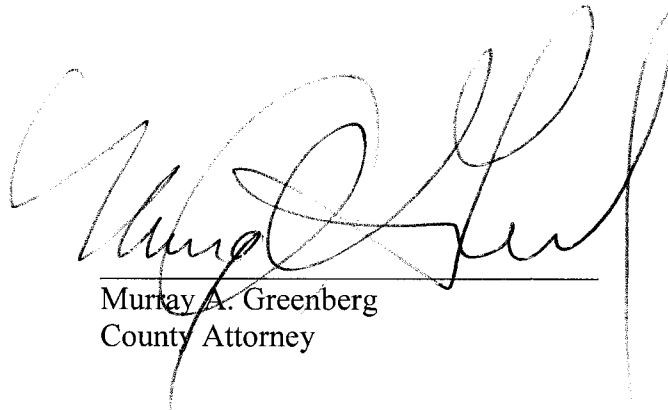
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: March 7, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Resolution Directing the
County Manager to Include
In County Contracts Additional
Provisions to Protect Payments
To Subcontractors and Material
Suppliers

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Rebeca Sosa, Commissioner Audrey M. Edmonson and Commissioner Dennis C. Moss.



Murray A. Greenberg
County Attorney

MAG/dc



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

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Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor

Agenda Item No. 11(A) (12)
03-07-06

Veto _____

Override _____

**RESOLUTION DIRECTING THE COUNTY MANAGER TO
INCLUDE IN COUNTY CONTRACTS ADDITIONAL
PROVISIONS TO PROTECT PAYMENTS TO
SUBCONTRACTORS AND MATERIAL SUPPLIERS**

WHEREAS, on December 1, 2005 this Board through its Internal Management & Fiscal Responsibility Committee conducted a Small Business and Procurement Workshop to hear the concerns of businesses who have engaged in commercial transactions involving Miami-Dade County ; and

WHEREAS, one of the concerns expressed repeatedly was the failure by County contractors to pay subcontractors and material suppliers for goods provided or services rendered even where these contractors themselves had been paid by the County under the terms of their contractor for these goods and services; and

WHEREAS, many of the subcontractors and material suppliers are smaller businesses whose very existence relies on the payment stream for the work that they perform; and

WHEREAS, the County can assist these smaller businesses by taking affirmative steps in County contracting to ensure that subcontractors and material suppliers who perform in accordance with their obligations are duly paid for the same,

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY that:

Section 1. The County Manager, in consultation with the County Attorney's Office, shall evaluate and, where appropriate, include in County construction contracts additional specifications to protect subcontractors and material suppliers from non-payment by County

contractors. Such specifications shall include an escrow retainage to ensure non-payment of valid claims and the requirement and prosecution of expedient alternate dispute resolution processes to establish the validity of subcontractor claims as a condition of payment of the contractor.

Section 2. The County Manager shall report the acts taken in furtherance of this resolution together with any proposed policy recommendations for the use of such appropriate provisions on a County-wide basis within ninety (90) days of adoption of this resolution.

The foregoing resolution was sponsored by Commissioner Rebeca Sosa, Commissioner Audrey M. Edmonson and Commissioner Dennis C. Moss and offered by Commissioner

, who moved its adoption. The motion was seconded by Commissioner

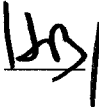
and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	
Dennis C. Moss, Vice-Chairman	
Bruno A. Barreiro	Jose "Pepe" Diaz
Audrey M. Edmonson	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of March, 2006. This Resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney
As to form and legal sufficiency 

Hugo Benitez

By: _____
Deputy Clerk